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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,166	04/08/2004	Scott Allen Moeller	921142-96499	9255
7590	12/13/2005		EXAMINER	
Timothy J. Engling Barnes & Thornburg P.O. Box 2786 Chicago, IL 60690-2786			ASINOVSKY, OLGA	
		ART UNIT	PAPER NUMBER	
		1711		

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/821,166	MOELLER ET AL.
	Examiner Olga Asinovsky	Art Unit 1711

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 25 October 2005.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-55 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-55 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

Applicants amend claims 1, 33 and 44 by including a "styrene content of from 14% to 20% by weight" for a styrene-isoprene block copolymer.

Upon reviewing the original specification at page 6, lines 1-21, applicants do not disclose a low styrene content for a styrene-isoprene block copolymer.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 33 and 44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the specification at page 6, lines 1-21 applicants disclose a variety of styrene-isoprene block copolymer such as Kraton D1112, Kraton D1113, Quintac 3620, Quintac 3433N, Quintac 3520 or other type of a styrene-isoprene block copolymer. In the working examples at pages 9-11 and Table 1 and Table 2, applicants disclose a styrene-isoprene block copolymer under trademark name Kraton D1113. However, there is no a styrene content for a styrene-isoprene

block copolymer. There is no benefit for using a styrene-isoprene block copolymer having low styrene content for formulation an adhesive composition.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 4, 7-12, 16, 18, 19, 21, 23 and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatfield et al U.S. Patent 6,184,285 with the evidence for a low styrene content for a styrene-isoprene block copolymer in view of Tungseth et al U.S. Patent 4,001,167 or Hansen et al U.S. Patent 5,891,957.

Reference to Hatfield'6,184,285 has been considered in the office action mailed on 06/09/2005. The rejection was made under 35 U.S. C.102(b).

In addition, Hatfield in the comparative example 2 and 4 in Table 1 at column 7 discloses Kraton D1107 and Kraton D1117. Upon new search to verify a trademark name Kraton D1107 and Kraton D1117, it was found that Kraton D1107 has 14% of styrene content (reference patent 4,001,167 to Tungseth et al, column 5, line 26) and Kraton D1117 has 17.4% of styrene content (reference Patent 5,891,957 to Hansen et al, column 6, line 26). The low styrene content for Kraton D1107 and Kraton d1117 is within the scope in the amended claims. Therefore, it would have been obvious to one of ordinary skill in the art to select styrene-isoprene block copolymer in Hatfield

invention such as Kraton D1107 or Kraton D1117 having low styrene content and, thereby obtain the claimed requirement for formulation of an adhesive composition. The *prima facie* case of obviousness is that the styrene-isoprene block copolymer having low styrene content can be selected in Hatfield invention for the purposes to increase a tacky effect and a pressure sensitivity of an adhesive composition. Hatfield is concerning only about thermal stability and heat resistance of the resulting adhesive composition, column 3, lines 49-54, in this reason Hatfield discloses high styrene content for formulation an adhesive composition.

5. Claims 2-3, 5-6, 13, 15, 17, 20, 24-43 and 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatfield et al U. S. Patent 6,184,285 in view of Tungseth et al U.s. Patent 4,001,167 or Hansen et al U.S. Patent 5,891,957 as applied to claims 1, 4, 7-12, 14, 16, 18, 19, 21 23 and 44-49 above, and further in view of Sasaki et al U.S. Patent 5,663,228.

The rejection over Hatfield'6,184,285 in view of Sasaki'5,663,228 is set forth at pages 3-4 of the office action mailed on 06/09/2005 and it is incorporated here by references.

In Hatfield invention the styrene-isoprene block copolymer having a low styrene content can be selected.

It would have been obvious to one of ordinary skill in the art to select S-I block copolymer having low styrene content and to modify the adhesive composition in

Hatfield by including antioxidant as teaching by Sasaki'228, and to consider that the adhesive composition in Hatfield can also have a single peak of Tg in light of Sasaki teaching, because both references disclose analogous composition and a single Tg can be controlled by the selected tackifier (having desired softening point) and that said tackifier is preferably soluble in the polyisoprene component in the S-I block copolymer, and to control the amount of said S-I block copolymer.

***Response to Arguments***

6. Applicant's arguments filed 10/25/2005 have been fully considered but they are not persuasive. Applicants' argument is that Hatfield does not disclose a styrene-isoprene block copolymer having from 14% to about 20% styrene by weight as amended styrene-isoprene block copolymer. Hatfield discloses a styrene-isoprene block copolymer containing at least 25 wt.% styrene that is higher than in the amended claims. However, it is not clear how "low styrene content" for styrene-isoprene block copolymer will effect on the properties of a resulting adhesive composition. The chemical formulation of an adhesive composition in Hatfield is readable in the present claims. The content of the ingredients are within the range of the amount of the components specified in the present claims. The hot melt adhesive can be applied to a polyolefin or nonwoven substrate, col. 5, lines 32-42. In the comparative example 2 and 4 in Table 1 at column 7, Hatfield discloses Kraton D1107 and Kraton D1117. Upon new search to verify a trademark name Kraton D1107 and Kraton D1117, it was found that Kraton D1107 has 14% of styrene content (reference patent 4,001,167 to Tungseth

et al) and Kraton D1117 has 17.4% of styrene content (reference Patent 5,891,957 to Hansen et al). Hatfield does teach the styrene-isoprene block copolymer having low styrene content. Therefore, it would have been obvious to one of ordinary skill in the art to select styrene-isoprene block copolymer in Hatfield invention such as Kraton D1107 or Kraton D1117 having low styrene content and, thereby obtain the claimed requirement for formulation an adhesive composition. The desired properties of the adhesive composition are depending on the intended use of said adhesive composition. Selection of a block copolymer having desired melt flow index and the styrene content to control the pressure sensitivity, thermal stability and a tacky performance is the obviousness statement. There is no characteristic for the claimed adhesive composition in the present claims.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Olga Asinovsky  
Examiner  
Art Unit 1711

O.A  
December 06, 2005



James J. Seidleck  
Supervisory Patent Examiner  
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